

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LOCAL CIVIL RULES

ORDER

AND NOW, this twenty-eighth day of February, 2000, pursuant to the Resolution approved by the Judges of this Court on this date pursuant to the authority granted to the court by 28 U.S.C. §2071, it is hereby

ORDERED that the Local Civil Rule 83.5(e) is hereby amended, effective March 1, 2000, to read as follows:

“(e) Any attorney who is a member in good standing of the bar of the ~~Supreme Court of the United States or of the bar of the United States Court of Appeals for the Third Circuit~~ **highest court of any state, territory, or the District of Columbia** may, without being admitted generally as an attorney of this Court, act as an attorney in this Court on behalf of the United States Government or any of its departments or agencies.”; and, it is further

ORDERED that the preamble of Local Civil Rule 83.6 is hereby amended, effective March 1, 2000, to read as follows:

“The United States District Court for the Eastern District of Pennsylvania, in furtherance of its inherent power and responsibility to supervise the conduct of attorneys who are admitted to practice before it, ~~or admitted for the purpose of a particular proceeding (pro hac vice)~~, promulgates the following Rules of Disciplinary Enforcement superseding all of its other Rules pertaining to disciplinary enforcement heretofore promulgated.”; and, it is further

ORDERED that Local Civil Rule 83.6 (Rule VIII) is hereby amended, effective March 1, 2000, to read as follows:

“Whenever an attorney applies to be admitted or is admitted to this Court for purposes of a particular proceeding ~~(pro hac vice)~~, the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation of such proceeding.”; and, it is further

ORDERED that the following new Local Civil Rule 9.4 is hereby adopted, effective March 1, 2000, to read as follows:

“LOCAL CIVIL RULE 9.4
GOVERNING PETITIONS UNDER 28 U.S.C. § 2254 AND MOTIONS TO VACATE SENTENCE UNDER
28 U.S.C. § 2255 IN DEATH PENALTY CASES

1. All petitions for a writ of habeas corpus under 28 U.S.C. § 2254 and motions to vacate sentence under 28 U.S.C. § 2255 must be accompanied by a cover sheet that lists:

a. petitioner’s full name and prisoner number; if prosecuted under a different name or alias that name must be indicated

b. name of person having custody of petitioner (warden, superintendent, etc.)

- c. petitioner's address
- d. name of trial judge
- e. court term and bill of information or indictment number
- f. charges of which petitioner was convicted
- g. sentence for each of the charges
- h. plea entered
- I. whether trial was by jury or to the bench
- j. date of filing, docket numbers, dates of decision and results of direct appeal of the conviction.
- k. date of filing, docket numbers, dates of decision and results of any state collateral attack on a state conviction including appeals
- l. date of filing, docket numbers, dates of decision of any prior federal habeas corpus or § 2255 proceedings, including appeals
- m. name and address of each attorney who represented petitioner, identifying the stage at which the attorney represented the litigant

2. A petition for writ of habeas corpus under 28 U.S.C. § 2254 or motion to vacate sentence under 28 U.S.C. § 2255 in a death penalty case

- a. must list every ground on which the petitioner claims to be entitled to relief under 28 U.S.C. § 2254 (or § 2255 for federal prisoners) followed by a concise statement of the material facts supporting the claims;
- b. must identify at what stage of the proceedings each claim was exhausted in state court if the petition seeks relief from a state court judgment;
- c. must contain a table of contents if the petition is more than 25 pages;
- d. may contain citation to legal authority that form the basis of the claim.

3. Petitioner must file, not later than 60 days after the date of the filing of the petition under § 2254 or motion to vacate sentence under § 2255, a memorandum of law in support. The memorandum of law must

- a. contain a statement of the case;
- b. contain a table of contents if it is more than 25 pages;

4. The petition/motion and memorandum together must not exceed 150 pages

5. All documents filed must be succinct and must avoid repetition.

6. Respondent need not file a response until the memorandum of law is filed.

- a. The response must not exceed 150 pages
- b. The response must contain a table of contents if it is more than 25 pages.

- c. The response must be filed within 60 days of the filing of the memorandum of law.
7. Any reply to the response must be filed within 21 days of the filing of the response and may not exceed 30 pages.
8. Upon motion and for good cause shown, the judge may extend the page limits for any document.
9. Upon motion and for good cause shown, the judge may extend the time for filing any document.
10. The petitioner must file with the Clerk of the District Court a copy of the "Certificate of Death Penalty Case" required by Third Circuit L.A.R. Misc. 111.2(a). Upon docketing, the clerk of the district court will transmit a copy of the certificate, together with a copy of the petition to the Clerk of the Court of Appeals as required by Third Circuit L.A.R. Misc. 111.2(a).
11. Upon the entry of a warrant or order setting an execution date in any case within the geographical boundaries of this district, and in aid of this court's potential jurisdiction, the clerk is directed to monitor the status of the execution and any pending litigation and to establish communications with all parties and relevant state and/or federal courts. Without further order of this court, the clerk may, prior to the filing of a petition, direct parties to lodge with this court (1) relevant portions of previous state and/or federal court records, or the entire record, and (2) pleadings, briefs, and transcripts of any ongoing proceedings. To prevent delay, the case may be assigned to a judge, by the same selection process as for other cases, up to 14 days prior to the execution date. The identity of the judge assigned shall not be disclosed until a petition is actually docketed.
12. In accordance with Third Circuit L.A.R. Misc. 111.3(b), at the time a final decision is entered, the court shall state whether a certificate of appealability is granted or denied. If a certificate of appealability is granted, the court must state the issues that merit the granting of a certificate and must also grant a stay pending disposition of the appeal, except as provided in 28 U.S.C. § 2262.

FOR THE COURT:

JAMES T. GILES
Chief Judge